

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Anantapur District – Revision Petition filed by Sri M.Pullaiah S/o Venkatappa & 3 others Maruthi Nagar, Anantapur against the orders of Joint Collector, Anantapur passed in Procd D.Dis No. E1/4837/06, dt. 28.6.08 under section 4 B (i) of A.P. Assigned Land (POT) Act 1977- Dismissed – Orders – Issued.

REVENUE(Asn.V)DEPARTMENT

G.O.Ms.No. 169

Dated. 25. 02.2010

Read the following:

1. Revision Petition filed by Sri M.Pullaiah S/o Venkatappa & 2 others Maruthi Nagar, Anantapur, dt. 24.7.08.
2. From the Collector, Anantapur District, Rc.No. E4/10176/08, dt. 5.6.09

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ORDER:

In the reference first read above, Sri M.Pullaiah S/o Venkatappa & 3 others Maruthi Nagar, Anantapur have filed the Revision Petition before Government against the orders of Joint Collector, Anantapur passed in Procd D.Dis No. E1/4837/06, dt. 28.6.08 under section 4 B(i) A.P. Assigned Land (POT) Act 1977.

2. Sri M.Pullaiah S/o Venkatappa & 3 others are herein after called as the petitioner have submitted the Revision Petition stating that, the land to an extent of Ac.3.08 in Sy.No.112 at Kurugunta Village was assigned to Mustafa Sab in the year 1966. After death of the assignee, his wife has sold away the land to Pullaiah in the year 2002. Pullaiah in turn sold away to J.Mohammad and 2 others. The MRO, Anantapur has resumed the assigned land for violation under the provision of Act 9/77.

3. Aggrieved by the orders of the Tahsildar, Anantapur dt.10.2.2004, Sri M.Pullaiah and 3 others filed appeal before RDO, Anantapur. The RDO, Anantapur after hearing the case has disposed of the same vide Procd D.Dis D2/1759/04, dt. 15.5.06 setting a side the orders of the Tahsildar, Anantapur and has further directed the MRO, Anantapur for enquiry and settle the case duly examining the points raised therein.

4. Aggrieved by above orders dt. 15.5.06 of RDO, Anantapur one Sri B.Chennappa S/o B.Hanumanthappa, President Rural Agricultural Integrated Development Society A.P. Housing Board Colony, Anantapur town who is the third party has filed an appeal before the Joint Collector, Anantapur stating that the land in question may be resumed to Government for eventual assignment in favour of landless poor for house sites purpose. The Joint Collector, Anantapur vide Procd DDis E1/4837/06, dt. 28.6.08 has set aside the orders of RDO, Anantapur.

5. Aggrieved by the above orders, the petitioners have filed the Revision Petition before the Government on the following grounds:

(P.T.O.)

1. the order of the Joint Collector, Anantapur is contrary to the facts and Law.
2. the entire case of the Revision Petitioner before the authorities is that the original assignee was the ex-service man as such provision of Act 9 of 1977 was not applicable in the instant assignment .
3. the Joint Collector, Anantapur erred in setting a side the orders of the RDO, Anantapur who is the appellate authority after appreciating all the factual aspects
4. the Joint. Collector, Anantapur ought to have perceived the records which clearly demonstrate that the originally assignee is ex-service man, but the same was not appreciated by him.

6. Brief Details of the case are as follows:

The land in Sy.No.112 measuring 3.08 acres of Kurugunta village of Anantapur (M) was originally assigned in favour of Sri Mustafa Sab in DAR Dis.No.12/1974 dt.8.8.1966. The assignee was died. The wife of the assignee Smt Imam Bee sold away the land to Sri M.Pullaiah S/o Late Venkatappa through a Register Doc No.11870, dt. 20.12.2002 in violation of Section 3(2) of the A.P. Assigned Land (POT) Act, 1977. Sri M.Pullaiah in turn has sold away the land to Sri J.Mohammad and 2 others of Anantapur town vide Registered sale deed Doc No.16937 dt. 24.12.05. Subsequently the land was resumed to Government by the MRO, Anantapur under provision of Act 9/77 vide Proc Rc B/71/2003, dt. 10.2.2004.

7. Aggrieved by the orders of the Tahsildar, Anantapur dt.10.2.2004 Sri M.Pullaiah and 3 others preferred an appeal before RDO, Anantapur. The RDO, Anantapur after hearing the case has disposed of the same vide Procd D.Dis D2/1759/04, dt. 15.5.06 setting aside the orders of the Tahsildar, Anantapur and has further directed the MRO, Anantapur for enquiry and settle the case duly examining the points raised therein.

8. Aggrieved by above orders dt. 15.5.06 of RDO, Anantapur one Sri B.Chennappa S/o B.Hanumanthappa, President Rural Agricultural Integrated Development Society A.P. Housing Board Colony, Anantapur town who is the third party has preferred an appeal before the Joint Collector, Anantapur stating that the land in question may be resumed to Government for eventual assignment in favour of landless poor for house sites purpose.

9. The Joint Collector, Anantapur vide Procd.DDis E1/4837/06, dt. 28.6.08 has set aside the orders of RDO, Anantapur.

10 Aggrieved by the above orders dt.28.6.08 the petitioners have filed this Revision Petition before the Government.

(Contd..)

11. Accordingly, Government have admitted the Revision Petition and parawise remarks along with connected records were obtained from the Collector, Anantapur. The request of Petitioner for staying the orders of Joint Collector has not been agreed by the Government.

12. Meanwhile Sri J.Mohammad, one of the Petitioner has filed a W.P.No.26044/08 before the High Court of A.P, Hyderabad. The Hon'ble High Court while disposing off the W.P., on 12.12.2008 has opined that first respondent i.e. Government should pass appropriate orders of stay immediately in the Revision Petition filed by the petitioner and others. And it is also open to Government to pass final orders in the R.P. and directed to pass final orders in the Revision petition within a period of two weeks from the receipt of the order.

13. In the reference second read above, the District Collector, Anantapur while furnishing the connected records and parawise remarks has reported that, there is no documentary evidence to show that the land in question was assigned to an Ex-Serviceman. No certificate to the effect of original assignee Mustafa is an Ex-Serviceman is available. Further the said Mustafa has given statement available in DAR Dis file No.12/74 of Tahsildar, Anantapur that he is eking out livelihood by cultivating Government land. No where he has mentioned that he is an ex-serviceman. As such the provisions of Act 9/77 were applicable in the instant case. Further the provisions under G.O.Ms.No.1117, dt.11.11.1993 are applicable in case of Ex-Service man alone.

14. The contention of the Revision Petitioner are not correct as the land which was Government assigned land was sold away in contravention of provisions of Act 9/77 . The orders of the MRO, Anantapur in Procd Rc.No.B/71/2003 dt.10.2.2004 are in accordance with rules.

15. The 4th respondent i.e. Sri B.Chennappa S/o B.Hanumanthappa has filed Written arguments stating that the original assignment is not under Ex-Servicemen quota but for land less poor persons in the year 1966 which is subjected to the condition of non-alienation and moreover the alleged sale in favour of the Revision Petitioner is 24.12.2005 i.e long after commencement of Act 9/77 and hence it is a void transaction and hence Revision Petitioner is not entitled to claim any principles of justice as transaction is hit by section 23 of Contract Act, he also stated that the Revision Petitioner has stated that this 4th respondent has no locus standi to file appeal which is not correct as the section 3 clearly states any person can challenge the sale.

16. The case was called for hearing on 22.8.2009, 3.10.2009 21.11.2009 & 23.1.2010. Neither the petitioners nor their counsel attended the hearings even after serving notices to them. The Tahsildar, Anantapur (M) and 4th respondent has attended the hearings.

(P.T.O.)

17. After perusal of the original records , Government observed that, the action of the MRO, Anantapur in having resumed the assigned land, as the Revision Petitioners purchased the land in question in violation of Section 3 (2) of the A.P. Assigned Land (POT) Act, 1977 and the orders of Joint Collector in Proceedings No. E1/4837/06, dt. 28.6.08 confirming the orders of MRO in Rc No. B1/71/2003, dt. 10.2.2004 are in accordance with law and therefore there is no reason to revise the orders. Hence, above orders are upheld, and the Revision Petition is dismissed.

18. The Collector, Anantapur District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT**

To

The Chief Commissioner of Land Administration, Hyderabad
The Collector, Anantapur District.

Sri M.Pullaiah S/o Venkatappa & 3 others Maruthi Nagar,
Anantapur ***through the Collector, Anantapur District***

Sri B.Chennappa, President, Rural Agriculture Integrated
Development Society, A.P. Housing Board Colony, Anantapur
through the Collector, Anantapur District

Copy to : K.Maheswara Rao, Advocate, Flat No.101, Krystal
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//FORWARDED::BY ORDER//

SECTION OFFICER